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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,443

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Stephen Gordon

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EXAMINER

TAYONG, HELENE E

ART UNIT

PAPER NUMBER

2611

MAIL DATE

DELIVERY MODE

07/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/729,443

Applicant(s)

GORDON ET AL.

Examiner

HELENE TAYONG

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2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/13/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☒ Claim(s) 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-856)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on 5/13/08.
Claims 1-17 are allowed. Claim 18 is rejected. Claims 1-18 are pending in this application and have been considered below.

Response to Arguments

2. Applicants arguments regarding the rejection of claim 18 under 35 U.S.C. § 103(a) as being obvious from the combination of Linzer in view of Witt have been fully considered but they are not persuasive. The examiner thoroughly reviewed Applicant's arguments but firmly believes that the cited reference reasonably and properly meets the claimed limitation as rejected.

(1) **Applicant's arguments:** "Assignee respectfully traverses and submits that the combination of Linzer and Witt do not teach *"wherein the second address is offset from another particular one of the burst boundaries by a second number of bytes, wherein the second number of bytes are different from the first number of bytes"*.

The examiner's response: In Figs. 5A and 5B, Linzer illustrates a memory comprising a storage device. One of ordinary skill in the art would have clearly recognized the two memory addresses (left and right addresses shown on Fig. 5A and 5B as storage addresses). Further, on page 2, [0020], memory (102) which is interpreted as Machine readable medium is disclosed to store data in both memory addresses (page 4, [0040]). Linzer also discloses a plurality of burst boundaries (page

3, [0033]). It would have been obvious to one of ordinary skill in the art at the time of the invention to consider the memories to storing data in a machine readable memory device a first time at a first memory address, and storing the data in the machine readable memory device a second time at a second memory address.

Linzer does not teach offsetting address by a number of bytes.

Witt in (fig. 1B) discloses a MODRM field that has a variety of formats. The MODRM field contains an optional displacement or offset field (for example, field 7) for address computation or how the addressing should be performed (col.4, lines 11-54). Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the method of Witt in the method of Linzer et al in order to provide a faster processor (col.6, lines 14-18).

(2) Applicant's arguments: "Assignee also traverses wherein Examiner has indicated that *"The motivation to utilize the method of Witt in the method of Linzer would be for faster processor (col. 6, lines 14-18)." Col. 6, Lines 14-18 state "Alternatively, it has also been suggest that a superscalar X86 would have faster, RISC-like superscalar mode for the simpler instructions and would likely execute in hardware which follows recent advances in RISC processor design. It is respectfully submitted that the term "faster" in "faster, RISC-like superscalar mode" is merely relative to "a superscalar X86" and thus would not motivate one skilled in the art to "utilize the method of Witt in the method of Linzer".*

The examiner's response: In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.1992). In this case, the motivation to utilize the method of Witt in the method of Linzer would be for faster processor was obtain in (col. 6, lines 14-18).

Applicants are reminder that the Examiner is entitled to give the broadest reasonable interpretation to the language of the claim. So the Examiner considers "offset from another particular one of the burst boundaries by a second number of bytes"as "1-byte offset" and "4-byte offset" within the broad meaning of the term. The examiner is not limited to Applicant's definition, which is not specifically set fourth in the claims. In re tanaka et al., 193 USPQ 139, (CCPA) 1977.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linzer et al (US 20040100577) in view of Witt (US 5826053).

(1) with regards to claim 18;

Linzer in (figure 5A) discloses a method for managing bursts of data, said method comprising:

storing data in a machine readable memory device(SDRAM) starting at a first address (page 1, [0007], lines 3-6), wherein the machine readable memory device has a plurality of burst boundaries (page 3, [0033]), and

storing the same data in the machine readable memory device a second time at a second address (page 4, [0040], lines 1-6).

Linzer discloses all of the subject matter disclosed above, but for specifically teaching offsetting address by a number of bytes.

However, Witt in (fig. 1B) discloses a MODRM field that has a variety of formats. The MODRM field contains an optional displacement or offset field (for example, field 7) for address computation or how the addressing should be performed (col.4, lines 11-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated method of Witt in the method of Linzer et al in order to offset the first address from a particular one of the burst boundaries by a first number of bytes and offset the second address from another particular one of the burst boundaries by a second number of bytes, wherein the second number of bytes are different from the first number of bytes. The motivation to utilize the method of Witt in the method of

Linzer would be for faster processor (col.6, lines 14-18).

Allowable Subject Matter

5. Claims 1-17 are allowed.
6. The following is an examiner's statement of reasons for allowance: The prior art Linzer et al (US 2004/0100577 A1) does not disclose the second alignment offset from the first alignment relative to the burst boundaries, the offset sufficient to enable selection for retrieval of the data from the first alignment or second alignment.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELENE TAYONG whose telephone number is (571)270-1675. The examiner can normally be reached on Monday-Friday 8:00 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Liu Shuwang can be reached on 571-272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Helene Tayong/
Examiner, Art Unit 2611

July 8, 2008
/Shuwang Liu/
Supervisory Patent Examiner, Art Unit 2611